

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN RE:) **Chapter 7**
) **No. 04-23758**
POLO BUILDERS, INC., et al.,) **Honorable A. Benjamin Goldgar**
) **Hearing Date: August 15, 2012**
) **9:30 a.m.**
Debtors.)

NOTICE OF MOTION

Please take notice that on **August 15, 2012, at 9:30 a.m.**, or as soon thereafter as counsel may be heard, we shall appear before the Honorable A. Benjamin Goldgar, Room 613, United States Courthouse, 219 South Dearborn Street, Chicago, Illinois, and then and there present the attached ***Trustee's Motion For Extension of Time to Object to Final Applications For Allowance of Compensation and Expense Reimbursement by Attorneys Employed to Represent the Estates***, at which time and place you may appear as you see fit.

Dated: August 10, 2012

PHILIP V. MARTINO, not individually,
but solely as Chapter 7 Trustee
for Polo Builders, Inc., et al.,

By: /s/ Faye Feinstein
One of his proposed attorneys

Philip V. Martino
Faye Feinstein
QUARLES & BRADY LLP
300 North LaSalle Street, Suite 4000
Chicago, Illinois 60654-3406
(312) 715-5000

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that on this 10th day of August, 2012, a copy of the foregoing ***Trustee's Motion For Extension of Time to Object to Final Applications For Allowance of Compensation and Expense Reimbursement by Attorneys Employed to Represent the Estates*** was filed electronically using the Court's CM/ECF system and was served upon all parties receiving electronic service in the captioned case as set forth below.

CM/ECF System Electronic Mail Notice List

The following is the list of parties who are currently on the list to receive e-mail notices for this case.

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**Trustee's Motion For Extension of Time to Object to Final Applications
For Allowance of Compensation and Expense Reimbursement by
Attorneys Employed to Represent the Estates**

Philip V. Martino, the duly appointed and serving Chapter 7 trustee ("Trustee") for the estates of Polo Builders, Inc., et al. (the "Debtors"), by his proposed attorneys, respectfully requests that the Court enter an Order, extending the time to object to final applications for allowance of compensation and expense reimbursements by attorneys employed to represent the estates, and in support, states:

JURISDICTION

1. This Court has jurisdiction pursuant to 28 U.S.C. §§ 157 and 1334(a) and Internal Operating Procedure 15(a) of the United States District Court for the Northern District of Illinois.
2. Venue is proper in this district pursuant to 28 U.S.C. §§1408 and 1409.
3. This is a core proceeding pursuant to 28 U.S.C. §157(b)(2).
4. The bases for the relief requested herein is Fed. R. Bankr. P. 9006.

FACTUAL BACKGROUND

5. On June 23 and 29, 2004, Debtors filed voluntary petitions for relief under chapter 11 of the United States Bankruptcy Code, 11 U.S.C. §§101 *et seq.* (the "Bankruptcy Code").

6. The Debtors cases are being jointly administered for procedural purposes.

7. On August 16, 2004, this Court entered an order converting the Debtors' bankruptcy cases to proceedings under Chapter 7 of the Bankruptcy Code. That same day, David R. Brown was appointed as the Chapter 7 Trustee.

8. On August 3, 2012, David R. Brown resigned as the Debtors' Chapter 7 Trustee (Docket No. 1305) and on August 9, 2012, Philip V. Martino was appointed as the successor Chapter 7 Trustee (the "Trustee") for the Debtors' estates (the "Estates") (Docket No. 1305).

9. Quarles & Brady LLP is in the process of preparing a motion to be retained as Trustee's counsel.

10. On April 11, 2012, the Court entered an Order (the "Fee Application Bar Date Order") setting June 15, 2012 as the bar date by which all final applications for allowance of compensation and expense reimbursement by attorneys employed to represent the Estates must be filed with the Court. Docket No. 1280. The Fee Application Bar Date Order also set August 17, 2012 ("Objection Deadline") as the deadline by which all objections to such timely-filed applications must be filed with the Court.

11. At least three representatives of the Estates have filed lengthy final fee applications (the "Final Fee Applications"). *See* Final Fee Application of Springer, Brown, Covey, Gaertner & Davis LLC, Docket No. 1282; Final Fee Application of Freeborn & Peters LLP, Docket Nos. 1283 and 1289; Final Fee Application of K&L Gates LLP, Docket No. 1286.

12. The Trustee and his proposed counsel have not yet had a sufficient opportunity to review the Final Fee Applications to determine whether the Trustee objects thereto.

Accordingly, the Trustee requests an extension of the Objection Deadline by sixty (60) days which is October 16, 2012.

RELIEF REQUESTED AND AUTHORITY

13. Fed. R. Bankr. P. 9006(a) states that "when an act is required or allowed to be done at or within a specified period by...order of court, the court for cause shown may at any time in its discretion...order the period enlarged if the request therefor is made before the expiration of the period originally prescribed...."

14. Cause exists to grant the relief requested by the Trustee. As of the date of this Motion, the Trustee has been in place for one day and, therefore, neither him nor his proposed counsel have had sufficient time to review and analyze the Final Fee Applications to determine whether the Trustee will file an objection thereto.

15. Accordingly, the Trustee requests an extension of the Objection Deadline by sixty (60) days which is October 16, 2012.

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WHEREFORE, Philip V. Martino, as Chapter 7 Trustee for the Debtors, asks the Court to enter an order (A) extending the Objection Deadline by sixty (60) days which is October 16, 2012, and (B) granting the Trustee such other and further relief as the Court deems appropriate.

Dated: August 10, 2012

PHILIP V. MARTINO, not individually,
but solely as Chapter 7 Trustee
for Polo Builders, Inc., et al.,

By: /s/ Faye Feinstein
One of his attorneys

Philip V. Martino
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